



**APPLICATION
FOR A STANDARD AQUACULTURE LEASE
SUSPENDED AQUACULTURE**

NO DISCHARGE

This is an application for a standard aquaculture lease, using suspended culture where there is no discharge into marine waters. A standard aquaculture lease may be up to 100 acres in size and may be issued for a term of no longer than ten years. Suspended culture is the use of any gear, whether floating or submerged. This application is not for net pen culture, for which there is a separate application. You are encouraged to review the aquaculture lease regulations to obtain a more complete understanding of the lease process. Applications, rules and statutes are all available at the DMR website – www.maine.gov/dmr/aquaculture.

YOU ARE REQUIRED TO ATTEND A PRE-APPLICATION MEETING WITH THE DEPARTMENT AND A MUNICIPAL REPRESENTATIVE PRIOR TO CONDUCTING FIELD WORK AND COMPLETING THE APPLICATION. CALL THE AQUACULTURE ADMINISTRATOR, MARY COSTIGAN AT 207-633-9531 OR THE AQUACULTURE ENVIRONMENTAL COORDINATOR, JON LEWIS, AT 207-633-9500 TO SET UP A MEETING. FOLLOWING THE MEETING AND PRIOR TO SUBMITTING YOUR APPLICATION YOU WILL BE REQUIRED TO HOLD AN INFORMAL PUBLIC SCOPING SESSION. AN APPLICATION WILL NOT BE CONSIDERED COMPLETE UNTIL A PRE-APPLICATION MEETING AND A SCOPING SESSION ARE HELD.

This is a joint application to be used by both the Maine Department of Marine Resources (“MDMR”) and the U.S. Army Corps of Engineers (USACOE) in an effort to facilitate the processing of applications for suspended aquaculture permits. Written authorization from both agencies is required before aquaculture activities are conducted. Information regarding the USACOE is available at www.nae.usace.army.mil.

The Maine Department of Marine Resources requires a **non-refundable** fee for aquaculture applications

Effective January 1, 2006:	\$1,000
Effective January 1, 2007:	\$1,500

Mailing Instructions:

Provide one copy of your application to the MDMR address listed below. The applicant shall be notified upon receipt when the application has been reviewed and accepted as complete by the MDMR.

DEPARTMENT OF MARINE RESOURCES
ATTN: Mary Costigan, Aquaculture Administrator
P.O. Box 8
West Boothbay Harbor, Maine 04575

Provide one copy of your application to the USACOE address listed below.

U.S. ARMY CORPS OF ENGINEERS
MAINE PROJECT OFFICE
675 Western Ave. #3
Manchester, ME 04351

A. THE LEASE APPLICATION PROCESS: WHAT TO EXPECT

The following information outlines the process leading to the approval of an aquaculture lease. For more specific information, see the DMR regulations, Chapter 2 and 12 M.R.S.A. § 6072.

1. **Pre-application Meeting.** Prior to completing your application, please contact the Department to set up a pre-application meeting. Applications submitted without a pre-application meeting will not be considered complete.
2. **Pre-application Scoping Session.** Prior to submitting your application, you are required to hold a public scoping session. This will be an informal public meeting intended to familiarize the public with the proposal, allow you to receive information from the public prior to submitting your application, and provide the Department with information prior to the site review.
3. **Submit Application.** Applicant submits application to Department of Marine Resources. DMR will make a determination as to whether or not your application is complete. If incomplete, you will receive a letter asking for further information. If complete, DMR will forward your application to other regulatory agencies, the municipality and riparian landowners.
4. **DMR Site Review.** You will be contacted to schedule a site review of your proposed lease area. This review will be an on-site inspection of the proposed lease area. A number of environmental measurements and a SCUBA dive will be made on the site. Your presence at the site review will be requested. DMR staff will develop a report of the site review.
5. **Public Hearing.** An adjudicatory aquaculture lease hearing is a requirement for all applicants under the MDMR Aquaculture Lease Regulations. MDMR 12 M.R.S.A. §6072(6).
6. **Public Notice.** The Department will issue public notice of the hearing. At least **30** days prior to the public hearing, the applicant shall place visible markers which delineate the area proposed to be leased.
7. **Decision.** The DMR Hearings Officer will prepare a report including proposed findings of fact, conclusions of law, and if requested by the Commissioner, a recommended decision to grant or deny the lease. The Hearing Officer's proposed decision will be sent to all legal parties, who will have ten days to comment on the proposed decision. The Commissioner will make a final decision to grant or deny the lease within 120 days of the public hearing.
8. **Requirements After a Lease is Granted.** The lessee must:
 - a. Establish an escrow account or secure a performance bond in the amount required by DMR in the lease.
 - b. Record the lease in the Registry of Deeds of each county in which the lease area is located. (DMR will assist you with this requirement).
 - c. Publish a notice in a newspaper of general circulation in the area affected. (DMR will assist you with this requirement).
 - d. Mark the lease site with the appropriate buoys as required in DMR regulations, Chapter 2.80 and U.S. Coast Guard Private Aids to Navigation. You must contact the U.S Coast

Guard Private Aids to Navigation Office for approval of marking devices. If you have internet access, go to <http://www.usharbormaster.com/> and register on site to begin the application process. If you do not have internet access, you must call the District 1 office at 617-223-8358.

- e. Submit to the Commissioner an annual report of lease activities.
 - f. Pay the annual rental fee of \$100 per acre.
9. **Revocation.** The Commissioner may commence revocation procedures if he determines that substantial aquaculture has not been conducted within the preceding year or that the lease activities are substantially injurious to marine organisms. If any of the conditions or requirements of a lease are not being observed, the Commissioner may revoke the aquaculture lease. 12 M.R.S.A. § 6072(11).
10. **Transfer.** A lessee may apply for Department approval of the transfer of his aquaculture lease to another person for the remaining portion of the lease term. A lease transfer shall be an adjudicatory proceeding.
11. **Renewal.** A lessee must file with the Department an application to renew a lease no later than 90 days prior to the lapse of the prior lease. Renewal of a lease shall be an adjudicatory proceeding.

B. REQUIREMENTS AND RESTRICTIONS

Aquaculture lease must comply with the following state and federal regulations:

1. **Essential Habitats and Eagle Nests:** Aquaculture leases generally must not be closer than 1/4 mile from eagle nests or Essential Habitats as regulated by Maine Department of Inland Fish & Wildlife (MDIF&W) under authority of the Maine State Endangered Species Act and in accordance with guidelines of other endangered and threatened species developed by MDIF&W. MDIF&W Essential Habitat Maps are available **for review** at the following offices: MDIF&W Regional Offices, county government, Registrar of Deeds offices, affected town offices, Regional Planning Commission offices and many state agencies. The maps are also available on the MIF&W website at www.maine.gov/ifw. Maine State Endangered Species Act 1975, 12 M.R.S.A. §7751 et seq.
2. **Lease Required:** Except as provided in paragraphs B and B-1 of 12 M.R.S.A. § 6072, it is unlawful for a person who does not have a lease issued by the commissioner under this section to construct or operate in the coastal waters of the State a facility for the culture of finfish in net, pens or other enclosures or for the suspended culture of any other marine organism. MDMR 12 M.R.S.A. §6072(1-A).
3. **Water Quality Classification:** The State's Water Classification Program prohibits any discharge into Class SA waters. Review MDEP Water Classification Program for restricted areas as described in 38 M.R.S.A. Article 4-A.
4. **Water Discharges:** Review 38 M.R.S.A. § 413 for information regarding Maine Pollution Discharge Elimination System Permits.
5. **Lease Conditions:** The Commissioner may establish conditions that govern the use of the lease area and impose limitations on aquaculture activities.
6. **USACOE Standard Siting Requirements:**

- Structures shall not be located closer than 1000 feet from municipal, State or federally owned beaches, parks or docking facilities.
- Structures shall not be located closer than 1500 feet from any area designated as high use or critical habitat for any threatened or endangered species protected under Federal law. Examples of such areas include bald eagle nest sites and concentration areas used for roosting and feeding. Because bald eagles are protected under the Federal Endangered Species Act of 1973, permits will not be issued to kill eagles that are preying on fish at aquaculture sites (U.S. Fish and Wildlife, National Marine Fisheries Service).
- Structures shall not be located in or within 1500 feet of any area named in acts of Congress or presidential proclamations such as national parks, national wilderness areas, national recreation areas, national lakeshores, national natural landmarks, national wildlife refuges, and such areas as may be established under federal law for similar and related purposes.

7. USACOE Standard Permit Conditions:

- Aquaculture operations shall not interfere with breeding, pupping, or sensitive aggregation area of any federally listed marine mammals (Marine Mammal Protection Act of 1972, as amended 16 USC § 1372). Specific species and known sensitive areas and times are available from the Protected Species Coordinator, National Marine Fisheries Service, Habitat and Protected Resources Division, One Blackburn Drive, Gloucester, MA 01930-2298; Telephone 978-281-9254.
- The permittee must report any incidental take of marine mammals within 48 hours of the event. For information, contact: Protected Species Coordinator, Habitat and Protected Resources Division, National Marine Fisheries Service, Northeast Region, 1 Blackburn Drive, Gloucester, MA 01930-2298; telephone 978-281-9254.
- The applicant must report any bird entanglements or kills within 48 hours to the Special Agent, U.S. Fish and Wildlife Service, P.O. Box 7342, Portland, ME 04112; Telephone 207-780-3235. The Migratory Bird Treaty Act (16 U.S.C. 703-712) protects migratory bird species from unauthorized and unregulated taking activities. The Act prohibits, by any means or in any manner, the direct or indirect capture, possession, or destruction of any migratory bird, its nest, its eggs, its young, or any parts thereof. Most bird species that would be found around aquaculture sites are protected by the MBTA, but specific questions can be directed to the Special Agent.
- The aquaculture facility must be open for inspection by the permitting agency(ies) personnel during working hours. In addition the permittee shall make records available upon request by said agency(ies).
- If, based on a review of environmental monitoring data, degradation of environmental resources, to include Federal and State water quality standards, is indicated, this permit may be modified, suspended or revoked.
- Boundary markers around the lease area shall be placed and maintained in accordance with appropriate Coast Guard Regulations. The permittee shall contact the First Coast Guard District, Aids to Navigation Office at 617-223-8337.

- The permittee shall permit navigation, fishing and recreational boating in open areas of the lease.
- The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
- This permit authorizes a specific number and size of structure in navigable waters. Site conditions, technological or operational improvements, or environmental factors may warrant modifications to the size, number, and distribution of structures. Minor modifications within the same polygonal shaped area (State lease) that do not adversely impact navigation do not require prior written authorization from the Corps. For minor modifications, the permittee shall provide the Corps with a copy of a plan depicting the revised layout within 30 days of the modification. For other than minor modifications, the permittee shall obtain written authorization prior to performing the work. No placement of additional structures or change in lease size or location is authorized without written approval from the Corps.
- The exact location of the State lease boundary shall be sent by the permittee to Inspection Section, CENAE-R, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751. The Corps will note the location on future survey drawings and will forward the submitted information to the National Oceanic and Atmospheric Administration (NOAA) so it can be located on future coast charts. The submittal shall be marked with the words **Permit No. NAE-**. Documents that are not marked and addressed in this manner may not reach their intended destination and do not comply with the requirements of this permit.

These STANDARD SITING REQUIREMENTS and STANDARD PERMIT CONDITIONS will be fully employed unless a decision to deviate from them is made by the Division Engineer after a meeting between the objecting Federal Resource Agency(s) Regional Director/Administrator and the Division Engineer and/or Commander, U.S. Coast Guard (or the designated acting Director/Administrator/Commander) is held pursuant to the local procedures under the 404Q MOA.

C: APPLICATION COVER SHEET FOR SUSPENDED CULTURE

Name: _____

Address: _____

City: _____

County: _____

State, zip _____

Telephone: business _____ home _____ cell _____

Email address: _____

Date of Pre-application meeting: _____

Date of Scoping Session: _____

town

county

waterbody

Location of lease site: _____

Additional description
(e.g. south of B Island) _____

Total acreage requested: _____
(100-acre maximum)

Lease Term requested: _____
(10-year maximum)

Name of species to be cultivated, common and scientific names:

Name, address and phone number of the source of seed stock, juveniles, smolts, etc., to be cultivated:

\$1,000 application fee enclosed: _____

I hereby state that the information included in this application is true and correct and that I have read and understand the requirements of the Department's rules governing aquaculture.

Signature: _____ Date: _____

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

D. APPLICATION INFORMATION REQUIREMENTS

Answer all questions under each Section as completely as possible.

This application includes questions on general information, site location, site development, operation, environmental characterization, area resources, surrounding area use, technical capabilities, financial capabilities, and a list of certifications, licenses, etc.

Definitions from the MDMR Aquaculture Lease Regulations:

Aquaculture: The culture or husbandry of marine organisms by any person. Storage or any other form of impounding or holding wild marine organisms, without more, shall not qualify as aquaculture. In order to qualify as aquaculture, a project must involve affirmative action by the lessee to improve the growth rate or quality of the marine organism.

Culture or Husbandry: The production, development or improvement of a marine organism.

Riparian Owner: A shorefront property owner whose property boundaries are within 1000 feet of the proposed lease boundaries.

Existing or Potential Uses: All water-related activities and resources including, but not limited to, commercial and recreation fisheries, marine transportation, aquaculture, and boating.

Adverse Effects: Impediments to water-related activities or unreasonable interference with natural processes supporting those activities. This includes, but is not limited to, floating or submerged obstruction, habitat destruction, natural flora and fauna displacement, current flow alteration, and lowered water quality.

Please read all instructions before completing. Applications must be typed and **reproducible**. Please use 8 1/2" x 11" paper with a 3/4" margin at the top; **use the numbering system listed for each item requested**. All drawings, charts and plans must adequately show the proposed project. It is recommended that any plans, drafts, charts, etc., be certified by a professional engineer.

1. SITE LOCATION

a. Vicinity Map

Use a NOAA chart or USGS Topographic map to show the waters and shorelands within the general vicinity of the lease tracts depicting the lease area.

b. Plan View

An enlargement of a NOAA chart or USGS Topographic map is suggested to provide this information. Exact location of lease described as follows:

1. Mark entire lease boundary.
2. Show depth contours and indicate mean low water and mean high water on all land adjacent or nearest site.
3. Show primary ebb and flood directions.
4. Mark true north with arrow.
5. Include scale used.
6. Label the location of Federal projects, navigational channels, any structures, weirs, existing aquaculture leases within 2000 feet or state or federal beaches, parks, conserved lands or docking facilities within 1000 feet.
7. Provide the latitude, longitude and State Plane Coordinates for each corner of the entire lease or the metes and bounds of the lease with coordinates for one starting point.

c. Aerial photo

If available, please provide an aerial photograph of the proposed lease area. Mark the boundary of the lease area with dimensions and true north arrow. The photo must have been taken during the twelve-month period prior to the filing of the application, preferably between July 1 and September 1, and the date on which it was taken must be noted. Note: this requirement is for the USACOE permit only.

2. SITE DEVELOPMENT

This section is intended to provide accurate plans depicting the physical structures to be placed on the proposed operation.

a. Single Structure Schematic - Top View

Provide dimensions, materials, etc.

b. Single Structure Schematic - Cross Section

Provide dimensions, materials, etc.

c. Maximum Structure and Mooring System Schematic - Top View

Provide a schematic of the maximum structures to be used on site, as well as the mooring system to be use. Provide dimensions, materials, etc. Please note that all moorings must be contained within the lease site.

d. Maximum Structure and Mooring System Schematic - Cross Section

Provide a cross section schematic of the maximum structures to be used on site, as well as the mooring system to be use. Provide dimensions, materials, etc. Include depths from structure(s) to sea-floor relative to MLW and MHW.

- e. On-Site Support Structures
 - 1. Describe structures such as barges, sheds, etc., to be located on-site. Provide a schematic and indicate the dimensions, including height above sea level, materials, etc.
 - 2. Describe the storage and use of oil, gasoline or other hazardous material on this facility. If petroleum products are to be used, provide a spill prevention plan.
 - 3. Describe the type and location of any sanitary facility.
- f. Mooring System Adequacy

Provide a description of the mooring system's ability to withstand severe storms, surge, equipment break-up, etc. If the system has been specifically engineered for the site, provide a copy of any engineering analysis that is available.
- g. Equipment Layout

Provide schematic or photographic renderings of the generalized layout of the equipment as depicted from two vantage points on the water. Provide the locations of the two vantage points
- h. Gear Color

Provide the color of the gear and structures proposed to be used at the lease site.
- i. Marking

According to Department rules, all lease sites are to be marked with a floating device, such as a buoy, which displays the lease identifier assigned by the Department and the words "SEA FARM" in letters of at least 2 inches in height in colors contrasting to the background of the device. The marked floating devices shall be displayed at each corner of the lease area that is occupied or at the outermost corners. If such marking requirements are unnecessary or impractical in your proposed location, provide information as to why that is so and suggest alternate markings.

3. OPERATIONS

- a. Production Activities
 - 1. List and describe your proposed activities including the number and type of vessels that will service the proposed site, frequency and duration of vessel traffic, cultivation techniques, monitoring schedule, transport schedule, predator control methods, (net) cleaning and maintenance (methods, frequency and location), harvest schedule, harvest technique and processing methods.
 - 2. Describe the start-up and projected maximum production on a 12-month basis. Also state the maximum stocking density.
 - 3. Provide documentation that the equipment that will be used on the lease site is the best available technology for the proposed activity.

4. Describe the anticipated number and type of employment opportunities created by the project at start-up and proposed maximum production. Note: this requirement is for the USACOE permit only.

b. Noise and Light

1. Provide the type of powered equipment, if any, that will be used on site, including, but not limited to boats, barges, power washers, generators, upweller motors, harvesting or seeding equipment, and feeding equipment. Vessels moving to and from the site are considered exempt from the noise impact consideration.
2. Indicate generally when, how often and for how long this equipment will be used (i.e. daily, weekly, only during harvesting).
3. Specify what will be used to reduce the noise level from the powered equipment, i.e., mufflers, etc. You do not need to provide decibel or frequency ratings unless they are known or provided by the equipment manufacturer.
4. Provide the number, type (whether the fixtures are shielded), wattage and location of lights, other than those used for navigation or marking, that will be used at the proposed lease site.
5. Indicate under what circumstances you might work at your site beyond daylight hours.

c. Upland Facilities or Holdings

Describe shoreside facilities or holdings to be used for various activities including feed transport, processing, etc.

d. Current Operations

Describe your existing water-based facilities and operations.

4. ENVIRONMENTAL CHARACTERIZATION

The MDMR aquaculture lease regulations specify applicants may do more than one site evaluation, but one evaluation must be completed between April 1 and November 15, dates inclusive.

a. Environmental Characterization

Provide the environmental evaluation used to select the proposed lease tract(s). Descriptive information shall include but not be limited to: bottom characteristics (include but not limited to sediment types, distribution and topography), resident marine and upland flora and fauna (species are very abundant, common, rare), tide levels, current speed and direction.

5. AREA RESOURCES

a. Shellfish Beds, Fish Migration Routes and Submerged Vegetation Beds

Provide a description of shellfish beds, fish migration routes and other marine resources in the surrounding area. Note the presence and extent of any submerged aquatic vegetation beds, i.e. eelgrass, within the proposed lease area. Provide a map of these resources if available from the local municipality or state agencies.

Provide the shellfish growing area classification for the area of the proposed lease. The classifications are available at either the town office or from the Public Health Division of DMR. Contact information is available at the DMR website:
www.maine.gov/dmr/rm/public_health

b. Essential Habitats/Endangered Species

Under the Maine Endangered Species Act a state agency or municipal government shall not permit, license, fund, or carry out projects occurring partly or wholly within an **Essential Habitat** without the approval of the Commissioner of MDIFW. Applicants are strongly encouraged to contact the Environmental Coordinator, Maine Inland Fisheries and Wildlife, 284 State Street, State House Station 41, Augusta, Maine 04333; Telephone (207) 287-3286. Applicants are requested to provide a signed statement to confirm the proposed lease **either** does not fall within the boundary of an Essential Habitat or that the applicant has contacted MDIF&W and by preliminary review MDIF&W will grant approval for the MDMR to issue an aquaculture lease within part or all of the boundary of a designated Essential Habitat.

6. SURROUNDING AREA USE

a. Riparian Property

1. Provide a tax map, chart, or topographic map showing the location(s) of the lease tract(s), the waters, shorelands and general vicinity of the lease tract(s). Property lines must be clearly marked. Mark the entire lease boundary on the map or chart.
2. List the names and addresses of every riparian owner of land within 1000 feet of the lease tract(s) and the location of their property marked as shown on the map. The map and list of riparian owners must be certified by the tax collector or clerk of the municipality in which the lease tract is located as being an accurate copy of this information as maintained by the municipality.
3. The written permission of every riparian owner whose land to the low mark will actually be used to access the lease site or upon which the lease activities will take place.
4. A description of riparian owner's current use of lease site for purposes of access to riparian owned land.

b. Existing Uses

1. Describe the navigational or other uses of the area(s) by type (recreational or commercial), volume, time (seasonal patterns of use), duration (in the vicinity), direction of traffic, amount of activity.
2. Describe the degree of exclusive use required by the proposed lease and the impact on existing or potential uses of the area.
3. If available, provide the name and address of individuals, ie. mooring owners, fishermen, draggers, etc. who actively use the proposed site. Note: this requirement is for the USACOE permit only.

7. TECHNICAL CAPABILITY

Provide information regarding professional expertise such as a resume' or documentation of technical expertise and practical experience necessary to accomplish the proposed project.

8. FINANCIAL CAPABILITY

a. Financial Capability

Provide documentation to prove the applicant has the necessary financial resources for the proposed project. For example, the applicant may provide copies of bank statements or other evidence indicating availability of the unencumbered funds or other proof that equipment and seed stock are available to the applicant. See MDMR Aquaculture Regulations chapter 2.10(3)(9).

b. Cost Estimates

Provide documentation of accurate and complete cost estimates of the proposed aquaculture activities.

c. Other Lease Interests and Multiple Ownership

List all other aquaculture leases held by the applicant or in which the applicant has a financial interest.

d. Other Lease Interests and Multiple Ownership Continued

If the applicant is a corporation, submit information as requested under A (Corporate Applicants). If the applicant is in a partnership, submit information as requested under B (Partnership Applicant). MDMR Aquaculture Regulations chapter 2.12(1)-(3).

A. Corporate Applicants

1. The date and State in which Incorporated and a copy of the Articles of Incorporation;
2. The names, addresses, and titles of all officers;

3. The names and addresses of all directors;
4. Whether the corporation, or any stockholder, director, or officer had applied for an aquaculture lease for Maine lands in the past, and the outcome or current status of that application or lease;
5. The names and addresses of all stockholders who own or control at least 5% of the outstanding stock and the percentage of outstanding stock currently owned or controlled by each such stockholder;
6. The names and addresses of stockholders, directors, or officers owning an interest, either directly or beneficially, in any other Maine aquaculture leases, as well as the quantity of acreage from existing aquaculture leases attributed to each such person under MDMR Aquaculture Regulations chapter 2.12(3);
7. Whether the corporation or any officer, director, or shareholder listed in item 5 above has ever been arrested, indicted, convicted of, or adjudicated to be responsible for any violation of any marine resources or environmental protection law, whether state or federal.

B. Partnership Applicant

1. The date and state in which the partnership was formed and a copy of either the Certificate of Limited Partnership or documentation of the formation of a General Partnership;
2. The names, addresses, and ownership shares of all partners;
3. Whether the partnership or any partner has applied for an aquaculture lease for Maine lands in the past and the outcome or current status of that application or lease;
4. Whether the partnership or any partner owns an interest, either directly or beneficially, in any other Maine aquaculture leases as well as the quantity of acreage from existing aquaculture leases attributed to the partnership or partner under MDMR Aquaculture Regulations chapter 2.12(3);
5. Whether the partnership or any partner has been arrested, indicted or convicted of or adjudicated to be responsible for any violation or marine resources or environmental protection law, whether State or Federal.

9. OTHER REQUIREMENTS

The following items must accompany the application:

a. Performance Bond

Documentation confirming that the applicant has read MDMR Aquaculture Regulations chapter 2.40 and that upon issuance of a lease by the MDMR the lessee will either open an escrow account or obtain a performance bond determined by the nature of the aquaculture activities proposed as follows -

Total combined area of all structures on lease:

≤400 square feet	\$1,500.00
>400 square feet	\$5,000.00